

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JOHN ROBERT DEMOS, JR.,

NO. C13-88-JCC-JPD

Petitioner,

V.

US SECRETARY OF DEFENSE, *et al.*,

REPORT AND RECOMMENDATION

Respondents.

Bar-order litigant John Demos has filed an application to proceed *in forma pauperis* with a proposed 28 U.S.C. § 2254 habeas petition.¹ (Dkts. 1, 10.) An Order of this Court provides for the return without filing of any petition by Mr. Demos that seeks an extraordinary writ pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997).

As petitioner has submitted no filing fee, the Court recommends that, pursuant to the Court's Order of March 13, 1997, the Clerk be **DIRECTED** to administratively close this matter and to strike any pending motions as moot. Moreover, Mr. Demos may not proceed

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¹ Although Mr. Demos attempts to bring this habeas petition under 28 U.S.C. § 2241, it is clear that he brings a § 2254 petition. Mr. Demos is a state prisoner who challenges the validity of his state convictions in the 1970s. (Dkt. 1, at 2.)

1 with a second or successive habeas petition here unless and until the Ninth Circuit authorizes
2 its filing. *See* 28 U.S.C. § 2244(b)(3)(A). A proposed Order is attached.

3 DATED this 26th day of March, 2013.

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6 JAMES P. DONOHUE
7 United States Magistrate Judge
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